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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,452	07/31/2003	William Andrew Decanio	HI02001USU2(P01018USU2)	3810

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EXAMINER

SAN MARTIN, EDGARDO

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/632,452

Applicant(s)

DECANIO ET AL.

Examiner

Edgardo San Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 5, 14, 18, 28 – 30 and 34 – 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (US 4,783,039).

With respect to claims 1, 3, 5, 14, 18, 28 – 30 and 34 – 36, Peterson et al. teach a baffle isolation system (Fig.1), comprising at least a portion of a bumper (Fig.1, Item 60) within first and second resistant members (Fig.1, Items 16 and 18), where the bumper is adapted to insert into a baffle opening (Fig.1, Item 62) formed within a baffle (Fig.1, Item S), and the baffle is between the first and second resistant members (Fig.1); and a hollow shaft (Figs.1 and 2, Item 24) adapted to insert through a plurality of openings formed in the bumper and the first and second resistant members (Fig.1), where opposite ends of the hollow shaft are adapted to couple to first and second caps (Figs.1 and 2, Items 22 and 36), respectively, where the second cap is adapted to couple to the housing so that the baffle substantially isolates loads in a radial direction between the baffle and the housing, and the first and second resistant members substantially isolate loads in a longitudinal direction between the baffle and the housing; where the second resistant member is adapted to insert into an isolation opening formed within the baffle; and where the second cap has a second recess (Figs.1 and 2,

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Item 42) adapted to receive a second end of the hollow shaft. (Figs.1 and 2; Col.4, Line 4 – Col.6, Line 62).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4, 6, 8 – 13, 17, 19, 21 – 25 and 31 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (US 4,783,039) in view of Lang, Jr. (US 5,110,081).

Peterson et al. teach the limitations discussed in the previous rejection, but fail to explicitly disclose the limitations described in claims 2, 4, 6 – 13, 15 – 17, 19 – 27 and 31 – 33.

With respect to claims 2, 8 and 21, Lang, Jr. teaches a baffle isolation system including a sleeve (Fig.2, Item 28) having sleeve opening, where the sleeve is between a bumper (Fig.2, Item 22) and a shaft (Fig.2, Item 32) that allows the shaft to slidably move in the radial direction relative to the bumper (Col.3, Lines 5 – 66).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Lang, Jr. sleeve configuration with the Peterson et al. design because the sleeve would facilitate the installation of the baffle isolation system.

With respect to claims 4, 9, 11, 22, 24, 32 and 33, Lang, Jr. teaches where the bumper, the first resistant member, and the second resistant members are made of materials having different durometers; and where the bumper, the first resistant member, and the second resistant member are made of an elastomeric material having a durometer measurement between about 20 and about 100 (Col.3, Lines 18 – 24).

With respect to claims 6, 19 and 31, the Examiner considers that it would have been an obvious matter of design choice to make the bumper, the first resistant member, and the second resistant member an unitary isolation mechanism because it would facilitate the production of the elements as a single element instead of a multiplicity of them, in addition it would facilitate the assembly of them. Furthermore, since it has been held that integrally constructing a formerly separate elements structure involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

With respect to claims 10 and 23, the Examiner considers that it would have been an obvious matter of design choice to select the sorbothane as the elastomeric material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With respect to claims 12, 13 and 25, Lang, Jr. teaches the use of washers (Fig.2, Items 36 and 38). The Examiner considers that it would have been an obvious matter of design choice to place a washer between the first resistant member and the first cap, or between the second resistant member and the second cap; since it has

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been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

With respect to claim 17, the Applicant's Admitted Prior Art teaches including a gasket between the baffle and the housing (current application specification ¶ [0007]).

3. Claims 7, 15, 16, 20, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (US 4,783,039) in view of Nakatsukasa et al. (US 6,354,578).

Peterson et al. teach the limitations discussed in the previous rejection, but fail to disclose wherein the first and second resistant members each have a bore adapted to receive at least a portion of the bumper, where the bumper has a cavity adapted to receive the baffle opening; or where the first and second resistant members each have a bore that forms a lip with a sidewall having a thickness that varies from the lip to opposing end of each of the first and second resistant members, and wherein the thickness of the sidewall increases from the lip of the resistant member to the opposing end of the resistant members.

Nevertheless, Nakatsukasa et al. teach an isolation system comprising first and second resistant members (Fig.2, Items 30c and 30d) each have a bore adapted to receive at least a portion of a bumper (Fig.2, Item 30i); and where the first and second resistant members each have a bore that forms a lip (Fig.2, Items 30f and 30h) with a sidewall having a thickness that varies from the lip to opposing end of each of the first and second resistant members (Fig.2), and wherein the thickness of the sidewall

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increases from the lip of the resistant member to the opposing end of the resistant members (Fig.2) (Col.5, Line 49 – Col.6, Line 26).

The Examiner considers that it would have been an obvious matter of design choice to employ a configuration where the bumper has a cavity adapted to receive the baffle opening, such as the configuration of a grommet, because it would provide a better and more secure attachment of the isolation system to the baffle.

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Nakatsukasa et al. configuration with the Peterson et al. design because the Nakatsukasa et al. lip configuration would improve the vibration isolation performance while suppressing the displacement of the baffle due to deformation of the isolation system.

### ***Conclusion***

4. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martín  
Primary Examiner  
Art Unit 2837  
Class 181  
October 30, 2005